

ASSEMBLY BILL

No. 1877

**Introduced by Assembly Member Linder
(Principal coauthor: Assembly Member Mathis)**

February 10, 2016

An act to amend Section 314 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1877, as introduced, Linder. Lewd or obscene conduct.

Existing law provides that any person who exposes his or her person, or the private parts thereof, in a public place or in any place where there are present other persons to be offended or annoyed by that act is guilty of a misdemeanor, except as specified. A 2nd or subsequent conviction of that act, or a first conviction of that act after a prior conviction for a specified lewd or lascivious act, is a felony punishable by imprisonment in the state prison.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 314 of the Penal Code is amended to
2 read:
3 314. (a) Every person ~~who~~ *who*, willfully and lewdly, ~~either~~
4 *does either of the following is guilty of a misdemeanor:*
5
6 —1.

1 (1) Exposes his person, or the private parts thereof, in any public
2 place, or in any place where there are present other persons to be
3 offended or annoyed ~~thereby; or, thereby.~~

4
5 —2.

6 (2) Procures, counsels, or assists any person so to expose himself
7 or take part in any model artist exhibition, or to make any other
8 exhibition of himself to public view, or the view of any number
9 of persons, such as is offensive to decency, or is adapted to excite
10 to vicious or lewd thoughts or ~~acts, acts.~~

11
12 ~~is guilty of a misdemeanor.~~

13 Every

14 (b) Every person who violates ~~subdivision 1 of this section~~
15 *paragraph (1) of subdivision (a)* after having entered, without
16 consent, an inhabited dwelling house, or trailer coach as defined
17 in Section 635 of the Vehicle Code, or the inhabited portion of
18 any other building, is punishable by imprisonment in the state
19 prison, or in the county jail not exceeding one year.

20 ~~Upon the second and each~~

21 (c) A *second or* subsequent conviction under ~~subdivision 1 of~~
22 ~~this section, paragraph (1) of subdivision (a), or upon a first~~
23 ~~conviction under subdivision 1 of this section paragraph (1) of~~
24 ~~subdivision (a) after a previous conviction under Section 288,~~
25 ~~every person so convicted is guilty of a felony, and is punishable~~
26 ~~as a felony by imprisonment in state prison.~~